

Minutes of the Planning Commission meeting held on Thursday, October 17, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Ned Hacker, Chair
Sue Wilson, Vice Chair
Phil Markham
Scot Woodbury
Lisa Milkavich
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
Melinda Greenwood, CED Director
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Travis Nay
Maren Patterson

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Division Office.

Ned Hacker opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from the October 3, 2019 Planning Commission meeting. Seconded by Ms. Milkavich.

A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for LaNor Knighton, Hidden Treasures, Fight City, and Lake City Motors LLC. Seconded by Mr. Woodbury.

A voice vote was made, motion passed 5-0.

RON COURT – 618 East 5900 South - Project #19-128

Ron Court was present to represent this request. Zac Smallwood reviewed the location and request to allow an Accessory Dwelling Unit (ADU) to be located on the property addressed 618 East 5900 South within the R-1-8 Zone. Mr. Smallwood explained that ADU's are allowed in all Single-Family Zones subject to approval of a Conditional Use Permit (CUP). The home is 2,785 sq. ft. and the proposed ADU is 461 sq. ft. The ADU is accessed through the rear of the property to a basement entrance. Mr. Smallwood stated that short term rentals are prohibited in Murray City, and code also requires that the property owner must live in one of the units.

Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed ADU meets the requirements of the R-1-8 Zone and

recommends that the Planning Commission approve a Conditional Use Permit (CUP) subject to the conditions as outlined in the Staff Report.

Ron Court, 618 East 5900 South, stated that he was able to review the Conditions of Approval and will be able to comply.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Mr. Smallwood explained that he received a few calls from neighbors who were opposed to the ADU. Many of the complaints were related to potential Air B&B rentals and absentee landlord situations. Those concerns have been addressed in the Conditions of Approval.

Ms. Woodbury made a motion to approve a Conditional Use Permit to allow an Accessory Dwelling Unit at the property located at 618 East 5900 South, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. Interconnected smoke detectors and CO sensors shall be provided throughout the house.
3. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
4. Access from the ADU to a circuit breaker panel shall be provided.
5. Appropriate egress windows and window wells shall be provided.
6. The applicant will obtain a Murray City Building Permit for any new work needed in conjunction with the ADU.
7. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU and will include general inspection of the items outlined in the Staff Report.
8. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
9. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
10. The applicant shall provide an additional two (2) off street parking spaces as required by Section 17.78.040(I) of the Murray City Land Use Ordinance for a total of four (4) off street spaces.
11. The property owner shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.

12. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
13. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used for temporary rentals such as an Air B&B or VRBO.

Seconded by Mr. Milkavich.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Lisa Milkavich
 A Phil Markham
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

ENVISION COSMETIC SURGERY – 5417 S Commerce Drive - Project #19-135

Justin Grubb was present to represent this request. Zac Smallwood reviewed the location and request to allow a Pole Sign with an Electronic Message Center (EMC) to be installed on the property addressed 5417 South Commerce within the Commercial Development Zone (C-D). Mr. Smallwood explained that EMC signs are allowed within the C-D zoning district subject to Conditional Use Permit approval. The sign is proposed to be located south of 5300 South and Commerce Drive, just east of I-15. A two-story office building is under construction at this location as well and the EMC sign will service it's tenants. Murray City Power Staff is concerned about the distance of the future Pole Sign to any power lines or streetlight wires and will need to maintain a minimum distance of five (5) feet apart. The proposed Pole sign meets the fifteen (15) foot triangular setback from the entrance of the driveway which ensures there are not any visual impacts. The proposed sign is 200 sq. ft. and would extend thirty-five (35) feet in height. The LED sign is 142.7 sq. feet and the illuminated cabinet is 57.3 sq. ft. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed Electronic Message Center sign meets the requirements of the Land Use Ordinance and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Mr. Markham asked if this sign will be allowed to advertise for any other businesses. Mr. Smallwood stated that this sign is only allowed to advertise for the tenants of the building at this property. Mr. Markham asked which portions of the Sign Code are requirements by the State versus requirements by Murray City. Mr. Smallwood replied that much of the Sign Code regulations come from the State Legislature which we adopted to become compliant.

Justin Grubb, Yesco, 1605 South Gramercy Road, stated that he was able to review the Conditions of Approval and will be able to comply. Mr. Grubb indicated that the sign is intended to be used only for on-premise advertising.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Mr. Markham made a motion to approve a Conditional Use Permit to allow an Electronic

Message Center Sign at the property located at 5417 South Commerce Drive, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. A minimum of five percent (5%) of the time the sign is in use the message shall be devoted to public service messages.
3. The proposed sign shall be located a minimum of five feet (5') from any power lines or streetlight wires.
4. The applicant shall provide Engineered stamped plans and calcs at the time of Building Permit submittal.
5. Provide Electrical plans at the time of Building Permit submittal.
6. The placement of the sign shall be located such that it does not impede the line of sight for drivers on Commerce Drive and those exiting the property.
7. A minimum of five percent (5%) of the time the sign is in use the message shall be devoted to public service messages.
8. Any display on the electronic message center must remain lighted for at least two (2) seconds.
9. The applicant shall demonstrate that the sign will be equipped with a dimmer switch to change the intensity of light emitted from the sign to meet the 0.3 foot-candle brightness if needed after installation.
10. The proposed sign shall have an automatic dimmer to reduce sign intensity after dark.
11. The applicant shall provide a photometric plan at the time of Building Permit submittal for the Planning Division staff to review that the electronic message center sign demonstrates that the brightness does not exceed 0.3 foot-candles over ambient lighting conditions along the property line as measured six feet (6') above curb grade.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Hall.

 A Phil Markham
 A Sue Wilson
 A Lisa Milkavich
 A Scot Woodbury
 A Ned Hacker

Motion passed 5-0

ORDINANCE TEXT AMENDMENT – Accessory Structure Heights in Residential Zones -
Project #19-134

Jared Hall presented the proposed amendments for Accessory Structure Heights in Residential Zoning Districts. Mr. Hall explained that the proposed draft addresses the regulations for rear yard accessory structures in all Residential Zones. In the respective zones the height currently allowed for rear yard accessory structures is limited to 20 feet at the peak of the roof or the height of the house, whichever is less. In many cases that is acceptable, but we are encountering some homes that are shorter than that 20 feet and the current regulations makes it difficult for residents to build a shed or garage on their property. The issue presented itself many times over this last summer and we had to deny many residents the opportunity of having even a simple shed. Staff is proposing to allow a rear yard structure of 20 feet high if the home is 20 feet or taller; and a rear yard structure of 16 feet in height if the home is less than 20 feet tall. This would allow a rear yard structure that would never be more than four or five feet taller than the home and we would not end up with a jarring height difference between the two structures. It is a good compromise and will benefit many residents.

Mr. Markham stated that he personally feels that this is a welcomed change and knows that some of the homes built in the 1950's & 1960's did not include garages, and if people can add garages and make them look like they belong on the property, it is a good change.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Mr. Woodbury made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed Text Amendment to multiple chapters of the Murray City Land Use Ordinance regarding Accessory Structure Height in Residential Zoning Districts.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Lisa Milkavich
 A Phil Markham
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

ORDINANCE TEXT AMENDMENT – Chapter 17.170, MCCD Zone Regulations Update-
Project #19-136

Ms. Greenwood spoke about the process that Staff undertook in the creation of the draft amendments presented tonight. Ms. Greenwood stated that Staff first started working on this project in March of 2019 by meeting with the City Council. We provided a survey to them, reviewed the results, and then presented the information back to them in a workshop. The findings of that process showed that the MCCD ordinance which was adopted in 2005 contains several elements which are deterrent to development, and we have worked towards

removing those deterrents. Staff gathered a lot of input from developers, property owners, public comments, the Mayor's office, and the Attorney's office as we have gone through the process of revising this ordinance. We wanted to come forward with a gentler approach that would deregulate and fully restore private property rights to property owners as well as remove development barriers, encourage development, remove uncommon provisions, simplify and streamline the process and move toward changing the MCCD into a true Mixed-Use Zone. We wanted to be mindful of those who own property in the MCCD, those who have had restrictions placed on their properties over the years and some of the detrimental outcomes of those restrictions.

Jared Hall presented the proposed draft to Chapter 17.170 of the Land Use Ordinance, the Murray City Center District, (MCCD Zone). Mr. Hall stated that the MCCD covers approximately 100 acres in the center of town. All the proposed changes are specific only to the MCCD and will not have any impact on any other zones. Mr. Hall explained that the first change is to the Purpose Statement, which has been significantly shortened but the dominant elements that are encouraged by the General Plan have been kept. The next change is to Process. Currently, major alterations and new construction require internal review before being forwarded to Planning Commission for final decisions. The draft amendments also include removing the Design Review Committee from the process. We are recommending that this process no longer be referred to as Certificates of Appropriateness, but as Design Review Approval. Minor alterations of buildings or properties will be reviewed and approved by staff. Examples of minor alterations include adding an awning, sign, changing a doorway, etc. The MCCD Zone not only has regulations contained in the code, but includes a set of design guidelines related to it. Staff has proposed language clarifying the intent of the Design Guidelines as providing guidance, direction and options which will further the stated purposes of the MCCD. The current MCCD guidelines will remain in place, but Staff will work to adjust them and make them more relevant to the current trends in Architecture and Design, and easier to understand and utilize. Mr. Hall explained the changes to the Historic Preservation code and stated that currently the language is written to deter the removal or redevelopment of structures that have been identified as historically significant. Staff proposes encouraging historic preservation supported through incentives instead. The City does not have large monetary incentives to provide right now, but we feel like we can offer to waive building permit fees and other fees that could range from a few hundred dollars to many tens of thousands of dollars. Staff also proposes to remove the list of historically significant buildings from the ordinance. The list would remain in-tact, but would no longer be codified. This will enable properties owners to petition the Community Development Department or Mayor's Office to remove themselves from the list if they are not able to redevelop under code requirements. Mr. Hall clarified that Historic preservation is an important element of Murray's development and over the years the City has directed a lot of effort and resources into historic preservation. For example; the City owns the Murray Mansion and is preparing to spend a significant amount of money for renovations. The Murray Theater is also being renovated by the Parks and Recreation Department. In the past there were grants for building and façade restoration given to the Desert Star property, as well as Day Murray Music and several other small projects. Mr. Hall explained the proposed changes to the Area & Yard Regulations and stated that the setbacks for buildings in the MCCD are measured from the back of the curb in order to pull buildings out toward the street and create the vibrant street frontage activity we want to see. The new language and added graphic explain the setbacks more clearly. Ground floor requirements for commercial development have been a huge impediment in the MCCD for development and redevelopment because of the way the requirement is written. Staff has proposed to modify the requirement to include commercial development along street frontages with a minimum depth of 40 feet. This will allow more effective development of deeper

properties, and more efficient parking schemes. A Master Site Plan requirement has been added for Horizontal Mixed Use and any project over five acres. For properties that demonstrate a security concern, the amendments include an exception for the requirements to have ground floor windows, and entrances every 75 ft., etc. Mr. Hall explained the proposed changes to height requirements and stated that currently, properties east of State Street are not subject to the minimum 40 ft. height, but properties on the west side of State Street in the MCCD must be built with a minimum of height of 40 ft. Also, any building in the MCCD Zone within 150 feet of a Residential Zone boundary can't exceed 50 feet in height. We have proposed to reduce the requirement to 100 ft. to allow greater height, but the overall maximum of 135 feet would still apply. The Buildings on MCCD zoned properties adjacent to Center Street north of Court Avenue will still be limited to no more than 35 feet in height. Mr. Hall explained that the proposed change to Parking in Multi-Family zones would slightly increase the maximum number of allowed stalls per unit from 1.25 to 1.5 parking spaces per unit. The minimum parking per unit would remain 1 to 1. Ms. Milkavich asked if the proposed changes to the parking standards will conflict with the state's requirements in Item 9. Mr. Hall answered no, they will not conflict because we are still below parking maximums according to the State's requirements. In addition, Staff is not proposing any parking changes to non-residential requirements. Mr. Hall explained that the intent of the proposed amendments to landscaping requirements is to soften the language requiring indigenous species as this has been difficult to work with in the past. City Staff will develop a list of appropriate species considered "native" for purposes of the ordinance. Mr. Hall concluded by stating that the proposed amendments are in keeping with the purpose, goals, and objectives of the Murray City General Plan and the proposed amendments will help facilitate quality, mixed use redevelopment of properties in the City Center. Based on the above findings, proposed text and other revisions as outlined, City staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed ordinance amendments.

Ms. Milkavich stated she has concerns about disbanding the Design Review Committee and asked if the reason is because the City used to build using LEED standards and is now using High Performance Building Standards to develop public buildings. Mr. Hall stated that the City still wants to use many of the standards required by the LEED program, but we do not want to be subject to the high costs of LEED recertification. Private buildings are not required to use the High Performance Building Standards, but they are encouraged. Currently our design guidelines are not as simple and clear as the new standards, and it was difficult to implement them in development and it created the need for an extra review step by the Design Review Committee (DRC). Now that we have simplified the process, we won't need the extra review step. Mr. Markham expressed his concern with eliminating the DRC and stated that he wished the process was streamlined but still included the valuable input from the DRC. Mr. Woodbury stated the he shares the concerns about disbanding the DRC and that we may be sacrificing some of our review process, but he does agree with giving property rights back. Ms. Milkavich wondered if this agenda item will be determined by one motion or if we will break down the topics into several motions. Mr. Hall explained that it is one motion, but the Planning Commission can recommend approval or denial with certain changes. Mr. Hacker stated that they can make any changes to the language they agree on before it goes to the City Council.

Ms. Milkavich asked Mr. Hall if he could review the proposed changes to Height, 17.170.120. Mr. Hall stated, to be clear, west of State Street has a minimum height requirement of at least 4 stories or 40 feet. East of State Street, but north of Court Avenue, and along Center Street you are restricted to build no higher than 35 feet. Also, east of State Street you are exempt from the minimum height requirement, but you are not limited in height by anything other than the same 150-foot distance from a residential zoning boundary that applies west of State

Street as well. Ms. Greenwood added that you would be limited to build 35 feet or less east side of State Street and that Staff was very thoughtful when taking into consideration feedback from the public and elected officials when deciding these height requirements. The result was that there will not be any building constructed in the MCCD that would exceed 135 feet.

The meeting was opened for public comment on this item.

Rebecca Santa Cruz, 5197 South Wesley Road, Chairman of the History Advisory Board (HAB), stated that the MCCD code was a result of 13 public meetings, open houses, and input. The MCCD code is far less restrictive than the Historic Overlay District Code which was implemented in 2005. Ms. Santa Cruz was in favor of the proposed incentive program that would be provided to those who want to restore or renovate historic buildings because it makes it a viable option. Ms. Santa Cruz is concerned how the City would use the historic list of buildings as well as how they would continue the HAB's mission to record historical submissions, protect historic buildings by limiting demolition and wishes the HAB will be allowed to remain involved in the preservation process. Ms. Santa Cruz also wished that if a historic property is going to be demolished that there should be more sense of mitigation than a plaque.

Mike Lambson, 2004 South 1600 East, SLC, stated his family owns the former Murray Library and the former Murray 1st Ward Church buildings and also operated Mount Vernon Academy for 42 years until it relocated to a different Murray location. Mr. Lambson stated that his family is very much in favor of the proposed ordinance change because they have suffered great financial hardship because of the current ordinance that is in place. In the past we have been blocked from being able to sell our property to developers due to the many appeals and lawsuit of a Murray resident. We have been unsuccessful in selling the property since then because of the interference of a neighbor, which has cost us several hundreds of thousands of dollars. We have shown the property to hundreds of interested parties but the cost to restore, get the buildings up to code and the strict guidelines of the Design Review phase contribute to the reason we are unable to sell the property. As property owners we struggle daily to keep these vacant buildings from deteriorating. The roofs on both buildings have major leaking issues and will eventually give way to mother nature. We have had multiple break-ins that have caused substantial damage and vandalism. We must care for the grounds and keep them somewhat attractive to the community which takes time and money. We still have mortgages on the buildings, make monthly utility and property tax payments. Eventually the banks will take ownership and they may board up the windows and install chain link fences around the perimeter which will not benefit Murray City. Mr. Lambson concluded by stating he believes that private property rights are an important part of being an American and feels that they have had their rights violated.

Andy Hulka, 1396 East Greenfield, stated he is a concerned resident and a volunteer on the Murray City DRC and commended City Staff on all the hard work they have put into these changes. Mr. Hulka stated he is concerned that the change would eliminate a checks and balance system as well as eliminate an important way to preserve the special character that exists in our City Center. The language has been changed to soften the requirements, but it also makes it more difficult to maintain the vision that the City put forth with the creation of the DRC, General Plan and the ordinances. Mr. Hulka expressed additional concerns with the changes to the sustainability standards, tree preservation, and the need for bike infrastructure and that he believes it would be a mistake to get rid of the DRC.

Sam Eads, 379 East Vine Street, stated he has concerns about Subsection 60, which mentions the removal of the historical list because it keeps it out of the public eye and makes it voluntary to remove a property from the list. Mr. Eads also has a concern about Subsection 40, that eliminates the Design Review process which would allow a property owner in the MCCD area to demolish a building and skirt the entire process that would otherwise preserve the historic nature of the building.

Kathleen Stanford, 487 East Vine Street, stated she would like to submit a letter to the record from Mary Ann Kirk, the former Murray City Cultural Programs Director. The letter was not officially accepted into the record due to the policy on submitting additional materials, she was advised to read it into the record. Ms. Stanford did not wish to read the letter into the record. Ms. Stanford recited a quote from Allen Roberts, American Institute of Architecture. Ms. Stanford apologized for the suffering she caused Mike Lambson and stated that she still believes that property owners should have some rights, but developers should not have any rights that matter more than concerned citizens that value their history and architecture. Ms. Stanford stated she has set up a non-profit foundation to raise enough money to renovate Mr. Lambson's building for whom ever wished to buy it. Ms. Stanford added that Murray City is a certified CLG that is required to pass an approved Historic Preservation Ordinance and appoint a Historic Preservation Commission. The Historic Preservation must be approved in order to maintain CLG status.

DeLynn Barney, 4902 South Box Elder Street, stated his property is located in the MCCD and his home was broken into last night and some personal items went missing. Mr. Barney stated that he feels a city with a lack of historic buildings would be as terrible or worse as having his home getting burglarized. Mr. Barney stated that he believes the design review committee should be kept and involve somebody else other than Murray City employees. Also, the Historic Buildings list would lose its value if a property owner could choose to remove their property from it. Mr. Barney concluded by stating there should be a balance between historic preservation and economic development.

Rachel Morot, 741 East Arrowhead Lane, stated she is the Vice President of the board of the Historic Murray Foundation, and she read aloud Mary Ann Kirk's letter into the record. Ms. Kirk's letter indicated she values historic preservation and historic buildings. Ms. Kirk also wished the city would come up with a plan to preserve historic buildings and be proactive in promoting critical buildings by offering incentives. It was also suggested that a revised list of historic buildings should be considered by the City and property mitigation should be in place to honor historic buildings that cannot be saved.

Janice Strobel, 4912 Wasatch, stated she had attended some of the DRC meetings and that she experienced seeing a proposed development on an entirely different level. It was interesting to see the design layout and listen to the feedback provided by the DRC and it was all on record. Ms. Strobel stated she is not in favor of removing the DRC but if it is disbanded, we should encourage a committee to be made that would include citizens, property owners and Staff to talk about solutions and ideas for the MCCD.

Wendy Parsons Baker, 190 East 5600 South, Murray Historic Board Committee, stated her family owns many properties in Murray which they keep preserved and hopes to keep them in her family. It is important for Murray City to maintain itself the way it is, and I do not like it when historic properties are demolished. The list of historic homes should also be kept.

Brent Barnett, 491 East Vine Street, indicated that he hopes we can all work together to preserve the City and maintain the DRC and wants this message to get to the Mayor. Mr. Barnett stated that he believes very few citizens have any knowledge of this meeting and encouraged the City to send an email to everyone who requests it because Millcreek sends out a weekly newsletter to residents that tells what is going on in their City. Mr. Barnett also believes that the proposed code was never available to the citizens and they cannot appropriately comment on an unknown topic. Also, the amount of content to address tonight is too much for one meeting. Mr. Barnett stated that he believes the good Mayor of our City is interested in finding a way to initiate transparency in all processes and situations.

Kim Anderson, 1144 Chevy Chase Drive, stated he is a resident of Murray City and is concerned about the lack of public meetings on this topic. When the MCCD code was proposed there were lots of meeting and there was an opportunity to speak and make suggestions. It is hoped that this item would not be passed tonight to allow more time to get the citizens involved. Most people who have spoken tonight are not in favor of this change. Mr. Anderson stated that he is not in favor of the proposed current trends to guide our building codes because that is not Murray's style. It is apparent the Mayor is in favor of demolishing buildings and renovation by the editorial that he had written a few months ago. Mr. Anderson suggested that the item be tabled to let the citizens have more input.

The public comment portion for this agenda item was closed.

Mr. Hall addressed citizen concerns and stated that they are all good points. Firstly, monies that are available for historic restoration from grants are not available for Murray to offer at the present time. It is a misunderstanding that this ordinance change will eliminate existing or future grant monies or credits that may be available to preserve or restore historic buildings. Murray has invested significant funds for restoration programs, buying historic buildings and investing public funds. Murray City has bought, protected, and preserved many historic buildings. The proposed change will not diminish the duties of the History Advisory Board; which is making recommendations for properties to be nominated to the Federal Register. This change is intended to be applied to 100 Acres of the downtown, and historic buildings that qualify to be on the list have already been nominated. Mr. Hall stated that he and Staff still believe that historic preservation is very important. Lastly, if a property owner chooses to remove their building from the historic list and demolish it, it is not the "City" that is doing it, it is the property owner, and they should have that right.

Mr. Markham stated that he recognizes that there is a lack of communication in getting this information out to residents. We lost our only City newspaper and there has been a void that has never been filled since. Maybe the City can find a way to start something like this again but that matter that is out of the control of the Planning and Zoning Committee. Mr. Hall stated that the City does have a way to sign up for emails and they could receive the agendas and other information.

Mr. Markham commented that he has great concerns about eliminating the DRC and believes it is important for them to review the applications for development in the MCCD. If the DRC review delays the process, then maybe they need to meet more often or establish accelerated timelines. Mr. Woodbury stated that he has been on the Planning Commission for eight years and the lack of progress in the Downtown area has been frustrating. This was a known issue before I started on the Committee, and the incentives have been in place for a long time and still nothing is happening. In the meantime, the buildings are deteriorating. If we rebuild by the current standards of our MCCD Code, all of our new buildings will represent the old time Murray, which does not represent reality or the needs of today. We need to do something about downtown Murray, and this is an attempt to spur some action and I support it for the most part.

My two major concerns are the removal of the DRC and the ability of a property owner to remove their structure from the historical list.

Mr. Woodbury stated that he often travels for work and visits many old Cities in which he sees dilapidated buildings that are falling down and then it unfortunately leads to a blighted area. Being on the Planning Commission for over 8 years, I also share Commissioner Markham's concern that we want Murray to be a vibrant downtown along with respecting the history and past. But we also need the ability to be business and development friendly. I also have concerns that the DRC is proposed to disband, and I understand to an extent why the Historical List would be removed from the code because of the requirements but I do not like the idea of the application being vetted only by Staff. It should be to Staff and some other Community or Public interaction. I would suggest finding a process with more checks and balances regarding historic buildings.

Ms. Wilson stated that she believes the proposed ordinance needs a little bit more fine tuning because as it currently stands it does not feel like it's what we need.

Ms. Milkavich stated that she agrees with everything that was said, and everything in the proposal is great, except removing the DRC and concerns with a personal property owner being able to remove a property from the list.

Mr. Hall indicated that at this time he does not have any suggestion about how the City would go about changing the DRC and Historical List removal processes at this time. If it voted to change, a new ordinance would need to be created by and vetted by City Staff and Elected Officials. Mr. Woodbury indicated that he would like to form a Recommendation of Approval for the proposed text amendments, but it would exclude Section 17.170.040 and 17.170.060. Most of the comments made tonight were around these two issues and it would give Staff time to work up some changes and bring them back to us. Mr. Markham agreed. Mr. Hall stated that the Planning Commission has the authority to do so but, warned if they exclude those sections, they include other changes including re-naming Design Review instead Certificates of Appropriateness, and modifying ground floor commercial requirements. Mr. Markham indicated that the motion could just state the exclusion of certain things and not be so broad. Mr. Woodbury stated the intent would be to keep the DRC and that we would recommend that Section 17.170.060 about Historic Preservation stay as it is. Ms. Wilson stated that she likes the direction that the motion is going. Mr. Woodbury stated that he wants the DRC to remain involved in some fashion but whatever that process is called in not an issue.

Mr. Woodbury made a motion that the Planning Commission forward a Recommendation of approval to the City Council for the proposed amendments to the Murray City Land Use Ordinance Section 17.170, Murray City District, MCCD Zone, with the exception of keeping the Design Review Committee in the ordinance as an important part of the process, and allowing the change to the term "Design Review" from Certificate of Appropriateness, and that Section 17.170.060 will remain in its original format prior to the red line changes.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Phil Markham
 A Lisa Milkavich
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

GENERAL PLAN AMENDMENT – Chapter 9, Moderate Income Housing Update.

Mr. Hall presented the proposed amendments to the 2017 Murray City General Plan that outline the changes necessary to be compliant with the requirements of Senate Bill 34 regarding moderate income housing. Mr. Hall explained that every city is required to have the moderate-income housing plan (MIH). Senate Bill 34 modified the existing requirements for cities regarding MIH plans. For example, one requirement is that the MIH plan needs to be adopted as part of the General Plan. Murray already does this and is compliant. Another requirement involves the transportation element of the General Plan. Staff reviewed our plan and again, we already meet those requirements. The list of changes to SB 34 includes 24 goals and strategies and they require cities to be compliant with at least 4 of them. The Murray City General Plan is currently compliant with 18 of the requirements. However, 2 of the goals and strategies required because Murray includes transit stations were missing out of a specific part of our General Plan. City staff recommends that the Planning Commission forward a recommendation of approval to the City Council to add two additional strategies and goals to Chapter 9.3: Objective 1. The first strategy should say "Maintain reduced residential parking requirements in the MCCD, Mixed Use, and Transit Oriented Development zones" and the second strategy should say, "Implement transit-oriented development and/or mixed-use zoning for properties in and around transit stations". We already do these things in practice, but we need to state it explicitly in this specific part of our General Plan and we won't lose any of our transportation funding in the coming year.

Ms. Wilson commented that she was glad to see the part of the code that encourages town homes, row-homes and duplexes, that appeal to younger and older individuals because this is something our City can really expand on and it is a valuable part of the market. Mr. Hall agreed and added that Murray City has embraced many of those things, but the State is trying to make sure that other non-compliant cities do that as well. Moderate income housing is a huge problem all over the Wasatch front, but Murray is in a better position than a lot of other cities. Mr. Markham asked how they calculate moderate income. Mr. Hall replied that it goes in ranges from 85% down to 35% of the median.

The meeting was opened for public comment on this item.

DeLynn Barney, 4902 South Box Elder Street, stated that he has concerns about limiting the amount of parking spots because cars are already parked on both sides of the street near the Trax Station. Additionally, Mr. Barney wondered what will happen in the future when City Hall is built and if reduced parking will force people to park in front of his house. Mr. Barney suggested that signage be placed in front of the residences near the future City Hall and Hospital that would prohibit public parking.

Kim Anderson, 1144 Chevy Chase Drive, stated he believes there are major problems in many areas of Murray City. Salt Lake City is having issues with limited parking where they build high rise buildings and hoped that as a society people will be able to leave cars at home and use public transportation instead.

The public comment portion for this agenda item was closed.

Mr. Hall addressed the public comments and stated that he is unable to say for sure if SB 34

will decrease parking availability to residents. This is an amendment to our General Plan supporting something that we are already doing in our Mixed-Uses and Transit Oriented Development Zone, and the MCCD. In some districts in Salt Lake City they are not requiring parking at all for development. We are not proposing anything like that, we are simply trying to comply with the State's mandate that in order for us to receive more transportation funds we must state that we will preserve these goals. The goals already reflect our current practices.

Mr. Woodbury stated that we are doing this for the right reasons, and he shares the parking concern with Mr. Anderson. So much of this battle is cultural, and until people start to take public transportation, we will continue to have a lot of cars. Utah is not to the point where people can get all their shopping needs close to Trax yet, so they still need to use a vehicle. I really appreciate the work and vision of City Staff to get us to this point, because it would be great to have a walkable downtown with all the business and shop fronts full of different things and I am supportive of this.

Mr. Markham stated that he wanted to point out the parking problems in the Fireclay area are due to a developer who misused the standards. One of the initial buildings was not in compliance and no one who is here today was involved with enforcing that. Staff and City official have done an excellent job with future development, because there are not nearly the problems there were.

Mr. Hacker added that even though we are adding these statements into the General Plan, the City does not have to take any action to meet all the requirements for the SB 34. As Mr. Hall stated, the General Plan does not change the actual parking requirements, they are still the same. This is another good faith effort, and Murray is seen across the County and State as a model City.

Mr. Markham made a motion to send a recommendation of approval to the City Council for the proposed amendments to the 2017 Murray City General Plan.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Phil Markham
 A Lisa Milkavich
 A Scot Woodbury
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

OTHER BUSINESS

Mr. Hall stated that CED will host the annual Planning Commission Training on October 24, 2019. Staff will present some training topics but much of the forum will be left open to ask questions and have a discussion.

Ms. Wilson made a motion to adjourn. Seconded by Mr. Markham.

A voice vote was made, motion passed 5-0.

The meeting was adjourned at 7:58 p.m.



Jared Hall, Planning Division Manager